

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRISTRATA TECHNOLOGY, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-645 (JJF)
)	
JEUNIQUE INTERNATIONAL, INC.,)	
DERMALOGICA, INC., GLYCOFORM-D)	
CORP., AND JUVENSES BY ELAINE)	
GAYLE, INC.,)	
)	
Defendants.)	

**PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT
AND INCORPORATED MEMORANDUM OF LAW**

Plaintiff Tristrata Technology, Inc. ("TTI"), by and through its counsel, respectfully moves this Court for a default judgment against Defendant Jeunique International, Inc. ("Jeunique"), pursuant to Federal Rule of Civil Procedure 55.

MOTION FOR DEFAULT JUDGMENT

1. On October 17, 2006, Plaintiff filed its Complaint against Defendant Jeunique International, Inc.
2. On February 21, 2007, TTI served Jeunique pursuant to 10 Del. C. § 3104 – by serving, the Secretary of State pursuant to 10 Del. C. § 3104, filed the executed return of service with the Court, and caused a copy of the Complaint, the summons for Jeunique, and a letter addressed to Jeunique, to be forwarded to Jeunique via registered mail return receipt requested. A copy of the letter and registered mail receipt are attached hereto as Exhibit A. A copy of the confirmation and tracking form received from the United States Postal Service is attached hereto as Exhibit B.

3. On March 29, 2007, Arthur G. Connolly, III on behalf of TTI, filed an Affidavit of Mailing pursuant to 10 Del. C. § 3104 and D. Del. LR 4.1(b), in which the details of service are described. A copy of the Affidavit is attached hereto as Exhibit C.

4. Jeunique was required under Fed. R. Civ. P. 12(a)(1)(A) to file an answer to the Complaint within twenty (20) days of service or by no later than March 19, 2007.

5. To date, Jeunique has not answered or otherwise responded to the Complaint nor has an appearance been entered on Jeunique's behalf.

WHEREFORE, Plaintiff respectfully requests that the Court:

A. Enter a default judgment against Jeunique pursuant to Fed. R. Civ. P. 55 on all counts of the Complaint;

B. Grant Plaintiff a period of time for discovery to determine the amount of damages;

C. Grant Plaintiff attorney's fees and costs;

D. Schedule a hearing to determine the amount of damages, including attorney's fees and costs; and

E. Award to Plaintiffs such other and additional relief as this Court deems just and proper.

EXHIBIT A



CONNOLLY BOVE LODGE & HUTZ LLP

ATTORNEYS AT LAW

WILMINGTON, DE

Arthur G. Connolly, III
Partner

DIRECT DIAL: (302) 888 6318
DIRECT FAX: (302) 658 0380
EMAIL: AConnollyIII@cblh.com
REPLY TO: Wilmington Office

The Nemours Building
1007 North Orange St.
P.O. Box 2207
Wilmington, DE 19899
TEL: (302) 658 9141
FAX: (302) 658 5614
WEB: www.cblh.com

February 21, 2007

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Mulford Nobbs, President
Jeunique International Inc.
19501 East Walnut Drive S
City of Industry, CA 91749

Re: *Tristrata Technology, Inc. v. Jeunique International, Inc., et al.*, C.A. No. 06-645

Dear Sir:

Please find enclosed copies of the Summons and Return of Service and the Complaint and Jury Demand for the above-referenced case. The Summons and Complaint were served upon the Delaware Secretary of State on February 13, 2007. Pursuant to 10 Del. C. § 3104, such service is as effective for all intents and purposes as if it had been made upon you personally within the State of Delaware.

Sincerely,

Arthur G. Connolly, III

Enclosures

#522810_1

EXHIBIT A


Registered No.		RB 972 232 233US		Date Stamp		
To Be Completed By Post Office	Reg. Fee	7.90		 <p>Domestic Insurance up to \$25,000 is included in the fee. International Indemnity is limited. (See Reverse).</p>		
	Handling Charge		Return Receipt			1.85
	Postage	6.05	Restricted Delivery			
	Received by	Rem				
	Customer Must Declare Full Value \$	0				
	<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance					
OFFICIAL USE						
To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	AGE 3 (5071*13) Connolly Bove Lodge & Hutz P.O. Box 2207 Wilms, DE 19801				
	TO	Mulford Nobbs, Pres. Jeunigue International, Inc 14501 E. Walnut Dr. S City of Industry, CA 91744				
PS Form 3806, Receipt for Registered Mail Copy 1 - Customer May 2004 (7530-02-000-9051) (See Information on Reverse) For domestic delivery information, visit our website at www.usps.com ®						

EXHIBIT B

EXHIBIT B

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Received by (Please Print Clearly) <u>DON JONES</u> B. Date of Delivery <u>2-26</u>	
1. Article Addressed to: mutfor Nobbs, Pres Jeuniqu International 14501 E. Walnut Dr. S City of Industry, CA 91749		C. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Copy from service label) RB 912 232 233US		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRISTRATA TECHNOLOGY, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-645 (JJF)
)	
JEUNIQUE INTERNATIONAL, INC.,)	Jury Demanded
DERMALOGICA, INC., GLYCOFORM-D)	
CORP., and JUVENESSE BY ELAINE GAYLE)	
)	
Defendants.)	

AFFIDAVIT OF MAILING PURSUANT TO 10 DEL. C. § 3104 AND D. DEL. LR 4.1(b)

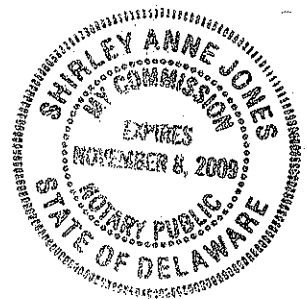
ARTHUR G. CONNOLLY, III, after first being duly sworn, on this 29th day of March, 2007, does depose and say:

1. I am an attorney with the law firm of Connolly Bove Lodge & Hutz LLP and represent plaintiff in the above captioned action.
2. On February 21, 2007, I caused a copy of the Complaint, the Summons for Defendant Jeunique International, Inc., and a letter addressed to Mulford Nobbs, President, Jeunique International Inc., and containing the information required by 10 Del. C. § 3104, to be forwarded, via Registered Mail Return Receipt Requested, to defendant Jeunique International Inc., pursuant to 10 Del. C. § 3104. The Registered Mail receipt for said package is attached hereto as Exhibit "A".
3. On February 26, 2007, the package referenced in paragraph 2, was received by Jeunique International Inc. The confirmation/tracking form received from the United States Postal Service is attached hereto as Exhibit "B".

Arthur G. Connolly III
Arthur G. Connolly, III (#2667)

Sworn to and subscribed before me this 29th day of March, 2007.

Shirley Anne Jones
NOTARY PUBLIC



523422_1

EXHIBIT A

Registered No. RB 972 232 233US		Date Stamp FEB 27 2008	
To Be Completed By Post Office	Reg. Fee	7.90	
	Handling Charge		Return Receipt 1.85
	Postage	6.05	Restricted Delivery
	Received by	Rem	
	Customer Must Declare Full Value \$	<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance	
OFFICIAL USE			
To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	AGG, 3 (5077*13) Connolly Bove Lodge & Hutz P.O. Box 2207 Wilm, DE 19801	
	TO	Mulford Nobbs, Pres. Jeunique International, Inc 14501 E. Walnut Dr. S City of Industry, CA 91709	

PS Form 3806, **Receipt for Registered Mail** Copy 1 - Customer
 May 2004 (7530-02-000-9051) (See Information on Reverse)
 For domestic delivery information, visit our website at www.usps.com®

EXHIBIT B

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<table border="1"> <tr> <td data-bbox="755 1045 1096 1123">A. Received by (Please Print Clearly) DON JONE</td> <td data-bbox="1096 1045 1273 1123">B. Date of Delivery 2-26</td> </tr> <tr> <td data-bbox="755 1123 1096 1207">C. Signature X <i>[Signature]</i></td> <td data-bbox="1096 1123 1273 1207"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </td> </tr> </table>	A. Received by (Please Print Clearly) DON JONE	B. Date of Delivery 2-26	C. Signature X <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee		
A. Received by (Please Print Clearly) DON JONE	B. Date of Delivery 2-26						
C. Signature X <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee						
<p>1. Article Addressed to:</p> <p>MULTI-MOBBS, Pres JeuniquE International 19501 E. Walnut Dr. S City of Industry, CA 91749</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <hr/> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Certified Mail</td> <td><input type="checkbox"/> Express Mail</td> </tr> <tr> <td><input checked="" type="checkbox"/> Registered</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td><input type="checkbox"/> C.O.D.</td> </tr> </table>	<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail	<input checked="" type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail						
<input checked="" type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise						
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.						
<p>2. Article Number (Copy from service label) RB 912 232 233US</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>						

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

INCORPORATED MEMORANDUM OF LAW

As noted in the Exhibits attached hereto, Jeunique was served with the summons and Complaint on February 26, 2007. To date, Jeunique has not answered the Complaint nor entered an appearance in this action. Because Jeunique's answer was due on or before March 19, 2007, it is clear that Jeunique is in default and judgment should be entered against it.

Plaintiff thus respectfully requests that this Court enter a default judgment against Jeunique in the manner set forth above.

Dated: April 2, 2008

Respectfully submitted,

/s/ Arthur G. Connolly, III

Arthur G. Connolly, III (#2667)
CONNOLLY BOVE LODGE & HUTZ LLP
The Nemours Building
1007 N. Orange Street
P.O. Box 2207
Wilmington, DE 19899
(302) 658-9141

Of Counsel:

Michael O. Warnecke
Douglas L. Sawyer
PERKINS COIE
131 South Dearborn Street
Suite 1700
Chicago, IL 60603-5559

Kevin M. McGovern
Brian T. Foley
McGOVERN & ASSOCIATES
545 Madison Avenue, 15th Floor
New York, New York 10022
(212) 688-9840

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 2, 2008, the foregoing document was served via First-Class U.S. Mail and CM/ECF on the following counsel of record:

Mulford Nobbs, President Jeunique International Inc. 19501 East Walnut Drive S City of Industry, CA 91749	
Gary J. Gorham Leader Kozmor Gorham LLP 1990 South Bundy Drive Suite 390 Los Angeles, CA 90025	Rodger Dallery Smith, II Morris, Nichols, Arsht & Tunnel LLP 1201 North Market Street P.O. Box 1347 Wilmington, DE 19899
President Glycoform D Corporation 1717 N. Bayshore Drive #1847 Miami, FL 33132	

/s/Arthur G. Connolly, III
Arthur G. Connolly, III (#2667)

EXHIBIT A



CONNOLLY BOVE LODGE & HUTZ LLP

ATTORNEYS AT LAW

WILMINGTON, DE

Arthur G. Connolly, III
Partner

DIRECT DIAL: (302) 888 6318
DIRECT FAX: (302) 658 0380
EMAIL: AConnollyIII@cblh.com
REPLY TO: Wilmington Office

The Nemours Building
1007 North Orange St.
P.O. Box 2207
Wilmington, DE 19899
TEL: (302) 658 9141
FAX: (302) 658 5614
WEB: www.cblh.com

February 21, 2007

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Mulford Nobbs, President
Jeunique International Inc.
19501 East Walnut Drive S
City of Industry, CA 91749

Re: *Tristrata Technology, Inc. v. Jeunique International, Inc., et al.*, C.A. No. 06-645

Dear Sir:

Please find enclosed copies of the Summons and Return of Service and the Complaint and Jury Demand for the above-referenced case. The Summons and Complaint were served upon the Delaware Secretary of State on February 13, 2007. Pursuant to 10 Del. C. § 3104, such service is as effective for all intents and purposes as if it had been made upon you personally within the State of Delaware.

Sincerely,

Arthur G. Connolly, III

Enclosures

#522810_1

EXHIBIT A

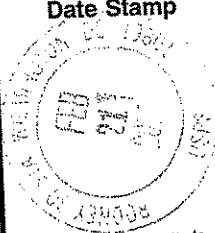
Registered No.		RB 972 232 233US		Date Stamp
To Be Completed By Post Office	Reg. Fee	7.90		 <p>Domestic Insurance up to \$25,000 is included in the fee. International indemnity is limited. (See Reverse).</p>
	Handling Charge		Return Receipt 1.85	
	Postage	6.05	Restricted Delivery	
	Received by	Ken		
	Customer Must Declare Full Value \$	Q		
	<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance			
OFFICIAL USE				
To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	AGC, 3 (5077*13) Connolly Bove Lodge & Hutz P.O. Box 2207 Wilm, DE 19801		
	TO	Mulford Nobbs, Pres. Jeurique International, Inc 14501 E. Walnut Dr. S City of Industry, CA 91744		
PS Form 3806, May 2004 (7530-02-000-9051)		Receipt for Registered Mail		Copy 1 - Customer (See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com ®				

EXHIBIT B

EXHIBIT B

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Received by (Please Print Clearly) DON JONES B. Date of Delivery 2-26	
1. Article Addressed to: mutfor Nobbs, Pres JeuniquE International 19501 E. Walnut Dr. S City of Industry, CA 91749		C. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Copy from service label) RB 912 232 233US		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRISTRATA TECHNOLOGY, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-645 (JJF)
)	
JEUNIQUE INTERNATIONAL, INC.,)	Jury Demanded
DERMALOGICA, INC., GLYCOFORM-D)	
CORP., and JUVENESSE BY ELAINE GAYLE)	
)	
Defendants.)	

AFFIDAVIT OF MAILING PURSUANT TO 10 DEL. C. § 3104 AND D. DEL. LR 4.1(b)

ARTHUR G. CONNOLLY, III, after first being duly sworn, on this 29th day of March, 2007, does depose and say:

1. I am an attorney with the law firm of Connolly Bove Lodge & Hutz LLP and represent plaintiff in the above captioned action.

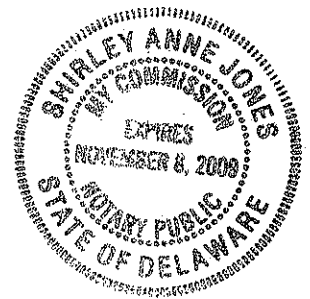
2. On February 21, 2007, I caused a copy of the Complaint, the Summons for Defendant Jeunique International, Inc., and a letter addressed to Mulford Nobbs, President, Jeunique International Inc., and containing the information required by 10 Del. C. § 3104, to be forwarded, via Registered Mail Return Receipt Requested, to defendant Jeunique International Inc., pursuant to 10 Del. C. § 3104. The Registered Mail receipt for said package is attached hereto as Exhibit "A".

3. On February 26, 2007, the package referenced in paragraph 2, was received by Jeunique International Inc. The confirmation/tracking form received from the United States Postal Service is attached hereto as Exhibit "B".

Arthur G. Connolly, III
Arthur G. Connolly, III (#2667)

Sworn to and subscribed before me this 29th day of March, 2007.

Shirley Anne Jones
NOTARY PUBLIC



523422_1

EXHIBIT A

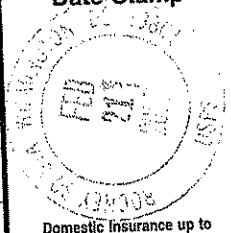
Registered No. RB 972 232 233US		Date Stamp 
To Be Completed By Post Office	Reg. Fee 7.90	
	Handling Charge	Return Receipt 1.85
	Postage 6.05	Restricted Delivery
	Received by Rem	
Customer Must Declare Full Value \$ Q		<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance
OFFICIAL USE		
To Be Completed By Customer (Please Print) All Entries Must Be In Ballpoint or Typed	FROM	AGG 3 (5077*13) Connolly Bowe Lodge & Hutz P.O. Box 2207 Wilm, DE 19801
	TO	Mulford Nobbs, Pres. Jenique International, Inc 19501 E. Walnut Dr. S City of Industry, CA 91744
PS Form 3806, Receipt for Registered Mail May 2004 (7530-02-000-9051) For domestic delivery information, visit our website at www.usps.com ®		Copy 1 - Customer (See Information on Reverse)

EXHIBIT B

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery	
		DON JONES 2-26	
		C. Signature	
		x [Signature] <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		D. Is delivery address different from item 1? <input type="checkbox"/> Yes	
multfor Nobbs, Pres		If YES, enter delivery address below: <input type="checkbox"/> No	
Jeuniqué International			
19501 E. walnut Dr. S			
City of Industry, CA			
91749			
		3. Service Type	
		<input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail	
		<input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise	
		<input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label)			
RB 912 232 233US			